

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MELVIN KETCHUM

v.

NATHANIEL QUARTERMAN

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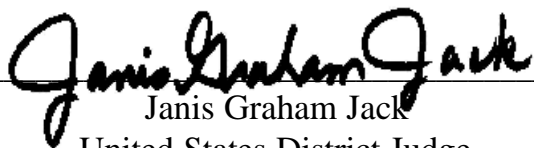
C.A. NO. C-08-193

**ORDER DENYING PETITIONER'S MOTION
FOR A CERTIFICATE OF APPEALABILITY**

By Order entered October 7, 2008, the Court adopted the recommendation of the magistrate judge, granted summary judgment in favor of respondent, and denied petitioner's § 2254 petition for habeas corpus relief because petitioner failed to demonstrate that the state court's adjudication of his claims was incorrect and objectively unreasonable. (See D.E. 33, 35). In addition, anticipating that petitioner would request a certificate of appealability ("COA"), the Court specifically denied a COA. Id., D.E. 33 at 31-32; D.E. 35 at 1. On October 16, 2008, petitioner filed a notice of appeal, and contemporaneously therewith, a motion for a COA.

For the same reasons stated in the magistrate judge's recommendation (D.E. 33), and adopted by the Court (D.E. 35), petitioner's motion for a COA (D.E. 38) is DENIED. Petitioner fails to make a substantial showing of the denial of a constitutional right. See 28 U.S.C. 2253(c)(2); Miller-El v. Cockrell, 537 U.S. 322, 336 (2003) (a certificate of appealability "may issue...only if the applicant has made a substantial showing of the denial of a constitutional right").

SIGNED this 21st day of October, 2008.


Janis Graham Jack
United States District Judge